

365.320 Transactions permitted to meet lawful competition.

- (1) Any wholesaler may sell cigarettes to a regular customer at a price made in good faith to meet the legal price of a competitor selling to the same customer. Any retailer may sell cigarettes at a price made in good faith to meet the legal price of a competitor. The price of cigarettes sold under the exceptions specified in KRS 365.310 shall not be considered the price of a competitor and shall not be used as a basis for establishing prices below cost, nor shall the price established at a bankruptcy sale be considered the price of a competitor within the purview of this section.
- (2) In the absence of proof of the actual cost to the competing wholesaler or to the competing retailer, as the case may be, the cost may be presumed to be the lowest cost to the wholesaler or the lowest cost to the retailer, as the case may be, within the same trading area as determined by a cost survey made pursuant to KRS 365.360(2).

Effective: July 13, 1990

History: Amended 1990 Ky. Acts ch. 280, sec. 7, effective July 13, 1990. --
Created 1956 Ky. Acts ch. 243, sec. 7, effective May 18, 1956.